

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

THE UNITED STATES OF AMERICA

vs.

CASE NO. 3:00CR00035-002 (JAF)

EDUARDO CRUZ-RIVERA

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**MOTION FOR REVOCATION OF SUPERVISED RELEASE
TERM AND REQUEST FOR A WARRANT TO BE LODGED AS A DETAINER**

**TO THE HONORABLE JOSE A. FUSTE, CHIEF
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, CARLINA CORTES-BAEZ, SENIOR UNITED STATES PROBATION OFFICER of this Honorable Court, presenting an official report upon the conduct and attitude of the offender, Eduardo Cruz-Rivera, who on the 1st day of November 2000, was sentenced by Your Honor to serve an imprisonment term of forty-six (46) months followed by term of supervised release of five (5) years, after he pleaded guilty to a violation of Title 21, United States Code, Section 841 (A)(1) - possession with intent to distribute approximately two-hundred and eight (208) grams of cocaine base (crack). On December 2, 2002, Mr. Cruz-Rivera was released from custody, at which time he commenced the term of supervised release imposed. Besides the standard conditions of supervision, Mr. Cruz-Rivera was ordered to refrain from any unlawful use of controlled substances, submit to laboratory testing for substance abuse detection, and participate in substance treatment if needed. In

addition, the offender was ordered to not possess a controlled substance and refrain from possessing firearms, destructive devices or other dangerous weapons. A special monetary assessment in the sum of \$100 was imposed (paid).

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

**1. VIOLATION OF STANDARD CONDITION - "YOU SHALL NOT COMMIT
ANOTHER FEDERAL, STATE OR LOCAL CRIME."**

On January 18, 2006, we were informed by S/A Wilfredo Ramos-Nieves from the Commonwealth of Puerto Rico Police Department, Drug Enforcement Unit, Bayamon, PR, that the offender was arrested on January 17, 2006, and found in possession of an pistol, assault rifle and approximately 900 capsules of cocaine base. The case was brought to the Superior Court Bayamón Part, however, the local judge found no probable cause against the offender. Subsequently, we were informed by S/A Paduil Torres from Alcohol, Tobacco and Firearms (ATF) agency, that the offender was once again arrested by their agency and charged of violating **Title 21, United States Code, Sections 841 (a) (1) and (b)(1)(A)** - distribution and possession with intent to distribute fifty (50) grams or more of crack cocaine and **Title 18, United States Code Section 924(c)(1)(A)(I)** - possession of firearms. An initial appearance was held before Honorable Gustavo A. Gelpi, United States Magistrate Judge, who ordered the offender's detention without bail and set a preliminary hearing for January 31, 2006 at 9:30 am.

WHEREFORE, I declare under penalty of perjury that the above-mentioned

is true and correct. In view that the offender violated his conditions of release, it is respectfully requested that a warrant for his arrest be issued, and lodged as a detainer, so that he may be brought before this Honorable Court to show cause why his supervised release term should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 27th day of January, 2006.

Respectfully submitted,

EUSTAQUIO BABELONIA, CHIEF
UNITED STATES PROBATION OFFICER

s/Carlina Cortés-Báez
Carlina Cortés-Báez
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CERTIFICATE OF SERVICE

I HEREBY certify that on January 27, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Rose Vega, Assistant U.S. Attorney and Julio González-Nieves, Esq., Defense Counsel.

At San Juan, Puerto Rico, January 27, 2006.

s/Carlina Cortés-Báez
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